IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

FRIDAY, THE 3RD AUGUST 2007 / 12TH SRAVANA 1929

Bail Appl..No. 4743 of 2007()

CRIME NO.R.C.NO.29(S)/2006 OF CBI/KOCHI.

PETITIONER

CYRIAK JOSE,
THEKEKOZHUVANAL, MOOZHOOR P.O.,
KOTTAYAM DISTRICT.

BY ADV. SRI.JOHN JOSEPH(ROY)

RESPONDENTS: COMPLAINANT

CENTRAL BUREAU OF INVESTIGATION(CBI),
REPRESENTED BY THE SUPERINTENDENT OF POLICE,
KATHRUKADAVU, KOCHI-17.

BY A.S.G.I. SRI.P. PARAMESWARAN NAIR.

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 03/08/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R. BASANT, J.

B.A. No. 4743 OF 2007

Dated this the 3rd day of August, 2007

ORDER

Application for anticipatory bail. The crime is now being investigated by the C.B.I. The petitioner apprehends imminent arrest in the said crime registered, inter alia, under Sec.420 of the IPC. One of the co-accused has already been granted anticipatory bail by order dated 16/7/07 in B.A.No. 4246/07.

2. The learned A.S.G.I., after taking instructions, submits that the petitioner is not required to be arrested at all. He shall not be arrested. He is required only for examination as a witness. The learned A.S.G.I. further submits that the petitioner will get notice to appear as witness and only then he need appear before the C.B.I. I take note of and record the submission of the learned A.S.G.I. The apprehension of the petitioner is thus found to be without any basis. The learned counsel for the petitioner passionately submits that the

officials of the C.B.I. have been threatening to arrest the petitioners.

3. In the light of the undertaking given by the learned A.S.G.I., it is not necessary to delve deeper into the matter. But, however, I make it clear that if the petitioner is liable to be arrested at any later point of time in this crime as an accused, such arrest shall be effected only after taking prior permission from this Court.

3. This bail application is accordingly dismissed with the above observations.

Sd/-

(R. BASANT, JUDGE)

Nan/

//true copy//

P.S. to Judge